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11 AMERICAN CASINO &  
12 ENTERTAINMENT PROPERTIES, LLC

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 AMERICAN CASINO & ENTERTAINMENT  
16 PROPERTIES, LLC, a Delaware limited liability  
17 company,

18 v. Plaintiff,

19 MARCHEX SALES, INC, a Delaware  
20 corporation,

21 Defendant.

22 Case No. 2:12-cv-01054-GMN-VCF

23 **TEMPORARY RESTRAINING ORDER,  
24 ORDER FOR ALTERNATIVE  
25 SERVICE, AND ORDER SETTING  
26 HEARING AND BRIEFING SCHEDULE  
27 ON PLAINTIFF'S MOTION FOR  
28 PRELIMINARY INJUNCTION**

29 **UPON CONSIDERATION** of the motion filed by Plaintiff American Casino &  
30 Entertainment Properties, LLC (“ACEP”) for an *ex parte* temporary restraining order, for  
31 alternative service, and for a preliminary injunction, the supporting memorandum of points and  
32 authorities, the supporting declarations of Phyllis Gilland and Nikky Williams, the record in this  
33 case, and for other good cause shown;

34 **THE COURT HEREBY FINDS THAT:**

35 1. ACEP will suffer irreparable injury to its valuable ACEPLAY trademarks and  
36 associated goodwill if the Defendant is not temporarily enjoined and restrained from transferring  
37 the <aceplay.com> domain name to other domain name registrars located outside the Court’s  
38 jurisdiction, or from transferring its registration for the <aceplay.com> domain name to other

1 persons or entities located outside the Court's jurisdiction;

2       2. ACEP is likely to succeed on the merits of its claims for cybersquatting and  
3 trademark infringement;

4       3. The balance of hardships tips in ACEP's favor because a temporary restraining  
5 order would merely place the <aceplay.com> domain name on hold and lock pending trial, and  
6 the failure to issue a temporary restraining order would cause ACEP to suffer additional  
7 irreparable injury and incur additional expense if the <aceplay.com> domain name is transferred  
8 to other registrants during the pendency of this action, requiring ACEP to file additional  
9 lawsuit(s) in other jurisdictions;

10      4. The issuance of a temporary restraining order is in the public interest because it  
11 would protect consumers against deception and confusion arising from domain names containing  
12 ACEP's trademarks, and from the use of ACEP's trademarks, by persons other than ACEP; and

13      5. Defendant will suffer minimal damage, if any damage at all, by the issuance of a  
14 temporary restraining order; accordingly, a nominal bond in the amount of \$100 is reasonable  
15 security.

16           **THEREFORE, IT IS HEREBY ORDERED THAT**, pending a full trial on the merits:

17      1. eNom, Inc. ("eNom") (the domain name registrar) shall immediately remove or  
18 disable the domain name server ("DNS") information for <aceplay.com>, shall place the  
19 <aceplay.com> domain name on hold and lock, and shall deposit it into the registry of the Court;  
20 and

21      2. Defendant, including without limitation, all of its respective partners, officers,  
22 agents, servants, employees, and all other persons acting in concert or participation with  
23 Defendant, are hereby temporarily restrained and enjoined from: (A) registering or trafficking in  
24 any domain name containing the ACEPLAY marks or any confusingly similar variations thereof,  
25 alone or in combination with any other letters, words, phrases or designs; and (B) using the  
26 ACEPLAY marks or any confusingly similar variations thereof, alone or in combination with  
27 any other letters, words, letter strings, phrases or designs in commerce (including, but not limited  
28 to, on any website or within any hidden text or metatags within any website).

**IT IS HEREBY FURTHER ORDERED THAT:**

1. Upon the issuance of this order, ACEP shall provide security for this temporary restraining order by tendering \$100 cash to the Clerk of the Court pursuant to Local Rule 67-1;

4       2. ACEP may serve the Summons and Complaint by email to the email address  
5 Defendant has maintained with eNom (*i.e.*, dnsadmin@mdnhinc.com), and by registered mail, in  
6 lieu of any other method of service required or permitted by Rules 4 and/or 5 of the Federal  
7 Rules of Civil Procedure;

8       5.       ACEP may serve all other pleadings, orders, motions, notices, and papers in this  
9 case upon Defendant by e-mail transmission to the email address Defendant has maintained with  
10 eNom (*i.e.*, dnsadmin@mdnhinc.com) in lieu of any other method of service required or  
11 permitted by Rules 4 and/or 5 of the Federal Rules of Civil Procedure;

12       6.      The parties shall appear for hearing and oral argument on ACEP's motion for  
13 preliminary injunction on **Tuesday, July 3, 2012 at 3:30 p.m. in Courtroom 7D**, at the  
14 Lloyd D. George Federal Courthouse, 333 South Las Vegas Boulevard, Las Vegas, Nevada;

15       7.     Defendant shall file and serve its opposition brief to ACEP's motion for  
16 preliminary injunction, if any, no later than **5:00 p.m. on Wednesday, June 27, 2012**; and

17        8. ACEP shall file and serve its reply brief in support of its motion for preliminary  
18 injunction no later than **12:00 noon on Monday, July 2, 2012**.

19 || DATED this 21st day of June, 2012.

Gloria M. Navarro  
United States District Judge